

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Schuler et al.

Application No: 10/601,127

Confirmation No: 5998

Filed: June 19, 2003

Title: SYSTEMS AND METHODS FOR AEROSOLIZING
PHARMACEUTICAL FORMULATIONS

Group No: 3773

Examiner: Erez, Darwin P.

Attorney Docket No: NK.0047.10

December 10, 2008

San Francisco, California 94107

Mail Stop AF Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Papers Enclosed
VIA EFS**

- ☒ Response to Non-Final Office Action
☐ Comments on Statement of Reasons for Allowance
☐ Notice of Appeal (form PTO/SB31)
☐ Drawings
☐ Supplemental Information Disclosure Statement
☐ PTO-SB08 Form
☐ Citations
☐ Terminal Disclaimer
☐ Postcard for Return

Extension of Time

☐ Applicant requests an extension of time under 37 C.F.R. 1.136

Extension (Months)	Extension Fee	
	Large Entity	Small Entity
<input type="checkbox"/> One Month	\$130.00	\$65.00
<input type="checkbox"/> Two Months	\$490.00	\$245.00
<input type="checkbox"/> Three Months	\$1,110.00	\$555.00
Total \$ 0.00		

☒ Applicant believes that no extension of term is required. However, this conditional petition is being made in case applicant has inadvertently overlooked the need for a petition for extension of time.

Fees for Extra Claims

	Claims remaining after amendment	Highest number previously paid for	Number Extra	Rate		Additional Fee
				Large Entity	Small Entity	
Total Claims	8	52	0	\$52.00	\$26.00	\$0.00
Independent Claims	1	6	0	\$220.00	\$110.00	\$0.00
Multiple Dependent Claims			0	\$390.00	\$195.00	\$0.00
Supplemental Information Disclosure Statement						
Total						\$0.00

Fee Payment

Extension Fees	\$ 0.00
Fees for Extra Claims	\$ 0.00
Notice of Appeal	\$ 0.00
Total	\$ 0.00

Fee Deficiency

- ☒ If any additional extension and/or fee is required, please charge Deposit Account No. 10-0258 and/or
- ☒ If any additional fee for claims is required, please charge Deposit Account No. 10-0258.

- ☐ Attached is check no. _____ in the sum of \$ _____.
- ☒ Please charge Deposit Account No. 10-0258 in the sum of \$ 0.00.

CERTIFICATE OF TRANSMISSION (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile transmitted to the U.S. Patent Office at (571) 273-8300, sent by Express Mail No. _____ or electronically transmitted, on the date shown below.

By: Melanie Hitchcock Date: December 10, 2008
Melanie Hitchcock

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Respectfully Submitted,

By: Guy V. Tucker
 Guy V. Tucker
 Registration No. 45,302

Date: December 10, 2008